

CASE 4-118-8353B

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

Art Unit: 1617

NEUER ET AL.

Examiner: Lauren Wells

APPLICATION NO: 09/738,212

FILED: DECEMBER 15, 2000

FOR: PHARMACEUTICAL COMPOSITIONS OF MACROLIDES OR
CYCLOSPORINE WITH A POLYETHOXYLATED SATURATED
HYDROXY-FATTY ACIDCommissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450FEE LETTER

Sir:

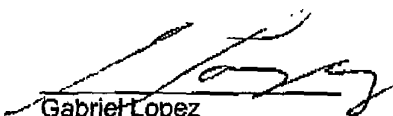
Enclosed is a Terminal Disclaimer in the above-identified application.

The Commissioner is hereby authorized to charge the \$110 fee under 37 CFR §1.20(d) and any additional fees that may be required to Deposit Account No. 19-0134 in the name of Novartis. An additional copy of this paper is enclosed.

Respectfully submitted,

Novartis
Corporate Intellectual Property
One Health Plaza, Building 430
East Hanover, NJ 07936-1080

Date: 1/8/04


Gabriel Lopez
Attorney for Applicants
Reg. No. 28,440
(862) 778-7882

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TERMINAL DISCLAIMER

Sir:

Novartis AG, a company organized under the laws of the Swiss Confederation, having a place of business at Lichtstrasse 35, Basel, Switzerland 4056, represents that it is the assignee and owner of the entire interest in the above-identified application by virtue of an assignment which is being transmitted for recordation in the United States Patent and Trademark Office concurrently herewith. A copy is attached hereto.

Novartis AG hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application which would extend beyond the expiration date of the full statutory term defined in 35 USC §154-156 and §173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending **Application No. 09/547,802** filed April 11, 2000. Said Application No. 09/547,802 is also assigned to Novartis AG (formerly Sandoz Ltd.) by virtue of an assignment which was recorded in the United States Patent and Trademark Office on June 27, 1994 at Reel/Frame 7041/0439.

Novartis AG hereby agrees that any patent granted on the above-identified application shall be enforceable only for and during such period that it and any patent granted on Application No. 09/547,802 are commonly owned. This agreement runs with any patent granted on the above-identified application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Novartis AG does not disclaim the terminal part of any patent granted on the above-identified application that would extend to the expiration date of the full statutory term as defined in 35 USC §154-156 and §173 of any patent granted on Application

No. 09/547,802, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

A terminal disclaimer fee under 37 CFR §1.20(d) is included.

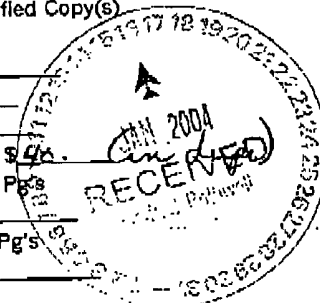
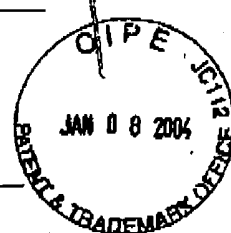
Signed this 8th day of January, 2004 by the undersigned attorney of record.

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Encl: Assignment

Case No. 4-118-2353A
 Application No. 09/738,212
 Mailing Date: 1/8/2004
 Due Date: 1/10/2004
 Express Mail No.: EV 336 721 095 US
 The Patent & Trademark Office acknowledges, and has stamped
 hereon the date of receipt of the items checked below:
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 ☐ PCT National Stage
 ☐ Provisional Application
 ☐ RCE ☐ DIV ☐ CONT ☐ CIP
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☐ Executed/Unexecuted Decl. - Fee \$
 ☐ Missing Parts/Missing Req.
☐ Preliminary Amendment _____ Pg's
☐ Claim of Priority ☐ Certified Copy(s)
☐ Amendment After Final
☐ Notice of Appeal - Fee \$
☐ Appeal Brief - Fee \$
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☐ Formal Drawings _____ Pgs
☐ IDS _____ Pg's - Fee \$
☐ PTO-1449 Form _____ Pg's
☐ Pet. for Ext. of Time - Fee \$
☐ Application Data Sheet
☐ Seq. Listings _____ Pg's/Seq. Disk
☒ Terminal Disclaimer; Reply;
☐ See Letters in Sup.



Initials
GL

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